

AMENDED IN ASSEMBLY JULY 1, 2013

AMENDED IN SENATE MAY 16, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 361

Introduced by Senator Padilla

February 20, 2013

An act to amend Sections 2102, 2146, 2196, 2408, 3017, and 14310 of, and to add Sections 2101.5, 2169, and ~~2106.5~~ 2228 to, and to add Chapter 7 (commencing with Section 2500) to Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Padilla. Elections: voter registration.

(1) *Under existing law, operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002, a person who is eligible to register to vote and has a valid California driver's license or state identification card is authorized to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. Existing law, the federal National Voter Registration Act of 1993, requires each state to establish procedures to register voters by application in person at certain federal, state, or nongovernmental agencies designated by state law as voter registration agencies. Existing law requires the Department of Motor Vehicles, community college and California State University campuses, and voter registration agencies to perform various duties in connection with voter registration.*

This bill would require the Secretary of State to jointly establish automated voter systems with the Department of Motor Vehicles, certain colleges and universities, and certain voter registration agencies, under which voter registration information is collected and electronically transmitted to the Secretary of State for the purpose of registering persons to vote or updating voters' registration information. This bill would require the Department of Motor Vehicles, each college or university, and each voter registration agency to offer certain persons the opportunity to register to vote or update their voter registrations by completing a supplemental voter registration form and consenting to the use of the voter's records held by the department, college or university, or voter registration agency for voter registration purposes. No later than one business day after receipt of a completed supplemental voter registration form, this bill would require the department, college or university, or voter registration agency to electronically transmit to the Secretary of State specified voter registration information. Upon receipt of the voter registration information, this bill would require the Secretary of State to register the person to vote or update the voter's registration in the statewide voter registration database, as applicable.

By requiring local agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) The Student Voter Registration Act of 2003 requires every community college and California State University campus that operates an automated class registration system, or within two years of implementing such a system, to permit students, through an automated program in coordination with the Secretary of State, to elect to receive during the class registration process a voter registration form that is preprinted with personal information relevant to voter registration. The act encourages the University of California to comply with these provisions.

This bill would require the Secretary of State to work with each community college and California State University campus that operates an automated class registration system to ensure that the system conforms to the provisions on automated voter registration. This bill would require each community college and California State University to, at the commencement of an academic term, send to each student a notice by electronic mail that is dedicated exclusively to voter registration and contains information relating to voter registration eligibility and the Internet Web site address of the Secretary of State's

electronic voter registration system. This bill would encourage the University of California to comply with these provisions.

(3) Existing law specifies various duties of the Secretary of State with regard to the electoral process.

This bill would place additional requirements on the Secretary of State to provide the capability for a voter to check *online or through a toll-free telephonic system* the status of the voter's registration, find the location of the voter's polling place, check the status of a vote by mail ballot, and check the status of a voter's provisional ballot on the Secretary of State's Internet Web site, as specified.

(4) *Existing law provides for voter residency confirmation procedures based on change-of-address information, as specified, in cases where the voter has moved to a new address within the same county or to another county.*

This bill would, for the purpose of maintaining accurate voter registration records, authorize the Secretary of State to enter into agreements with other states to share voter information or data pertaining to voters who have permanently moved to other states.

(5) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(6) This bill would become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2101.5 is added to the Elections Code,
- 2 to read:
- 3 2101.5. A person may be registered as a voter by either of the
- 4 following means:

1 (a) By affidavit of registration filed with the county elections
2 official.

3 (b) By the Secretary of State in accordance with Chapter 7
4 (commencing with Section 2500).

5 SEC. 2. Section 2102 of the Elections Code, as amended by
6 Section 2 of Chapter 364 of the Statutes of 2009, is amended to
7 read:

8 2102. (a) A person ~~may not be registered as a voter except by~~
9 ~~affidavit of registration. The affidavit shall be mailed or delivered~~
10 *registering as a voter by affidavit of registration shall mail or*
11 *deliver the affidavit* to the county elections official and shall set
12 forth all of the facts required to be shown by this chapter. A
13 properly executed registration shall be deemed effective upon
14 receipt of the affidavit by the county elections official if *the*
15 *affidavit is* received on or before the 15th day prior to an election
16 to be held in the registrant's precinct. A properly executed
17 registration shall also be deemed effective upon receipt of the
18 affidavit by the county elections official if any of the following
19 apply:

20 (1) The affidavit is postmarked on or before the 15th day prior
21 to the election and received by mail by the county elections official.

22 (2) The affidavit is submitted to the Department of Motor
23 Vehicles or accepted by any other public agency designated as a
24 voter registration agency pursuant to the National Voter
25 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) ~~1973gg et seq.~~
26 on or before the 15th day prior to the election.

27 (3) The affidavit is delivered to the county elections official by
28 means other than those described in paragraphs (1) or (2) on or
29 before the 15th day prior to the election.

30 (b) For purposes of verifying signatures on a recall, initiative,
31 or referendum petition or signatures on a nomination paper or any
32 other election petition or election paper, a properly executed
33 affidavit of registration shall be deemed effective for verification
34 purposes if both of the following conditions are satisfied:

35 (1) The affidavit is signed on the same date or a date prior to
36 the signing of the petition or paper.

37 (2) The affidavit is received by the county elections official on
38 or before the date on which the petition or paper is filed.

39 (c) Notwithstanding any other provision of law to the contrary,
40 the affidavit of registration required under this chapter ~~may~~ *shall*

1 not be taken under sworn oath, but the content of the affidavit shall
2 be certified as to its truthfulness and correctness, under penalty of
3 perjury, by the signature of the affiant.

4 (d) A person who is at least 17 years of age and otherwise meets
5 all eligibility requirements to vote may submit his or her affidavit
6 of registration as prescribed by this section. A properly executed
7 registration made pursuant to this subdivision shall be deemed
8 effective as of the date the affiant will be 18 years of age, if the
9 information in the affidavit of registration is still current at that
10 time. If the information provided by the affiant in the affidavit of
11 registration is not current at the time that the registration would
12 otherwise become effective, for his or her registration to become
13 effective, the affiant shall provide the current information to the
14 proper county elections official as prescribed by this chapter.

15 *SEC. 3. Section 2146 of the Elections Code is amended to read:*

16 2146. (a) The Secretary of State shall annually provide every
17 high school, community college, and California State University
18 and University of California campus with voter registration forms.
19 The number of forms shall be consistent with the number of
20 students enrolled at each school who are of voting age or will be
21 of voting age by the end of the year. The Secretary of State shall
22 provide additional forms to any school, free of charge, if so
23 requested by a school.

24 (b) The Secretary of State shall provide a written notice with
25 each registration form describing eligibility requirements and
26 informing each student that he or she may return the completed
27 form in person or by mail to the elections official of the county in
28 which the student resides or to the Secretary of State. *The notice*
29 *shall also inform each student that he or she may complete and*
30 *submit an affidavit of voter registration electronically on the*
31 *Internet Web site of the Secretary of State.*

32 (c) (1) (A) Every community college and California State
33 University campus that operates an automated class registration
34 system on or before January 1, 2008, shall, through an automated
35 program, in coordination with the Secretary of State, permit
36 students, during the class registration process, to elect to receive
37 a voter registration form that is preprinted with personal
38 information relevant to voter registration by January 1, 2010.

39 (B) Any community college or California State University
40 campus that does not operate an automated class registration system

1 on or before January 1, 2008, shall, within two years of
2 implementing an automated class registration system, through an
3 automated program in coordination with the Secretary of State,
4 permit students, during the class registration process, to elect to
5 receive a voter registration form that is preprinted with personal
6 information relevant to voter registration.

7 (2) As soon as a community college or California State
8 University or University of California campus complies with
9 paragraph (1), the Secretary of State may continue, at his or her
10 discretion, to provide the campus with voter registration forms
11 unless the campus requests not to receive the voter registration
12 forms.

13 (3) The University of California is encouraged to comply with
14 this subdivision.

15 *(d) (1) Each community college or California State University*
16 *campus that operates an automated class registration system on*
17 *or after January 1, 2014, shall comply with the requirements of*
18 *Chapter 7 (commencing with Section 2500). The Secretary of State*
19 *shall work with each community college and California State*
20 *University campus that operates an automated class registration*
21 *system to ensure that the system conforms to the automated voter*
22 *registration requirements of Chapter 7 (commencing with Section*
23 *2500).*

24 *(2) Each community college and California State University*
25 *campus shall, at the commencement of an academic term, send to*
26 *each student by electronic mail a notice that is dedicated*
27 *exclusively to conveying information relating to voter registration*
28 *eligibility and the Internet Web site address of the Secretary of*
29 *State's electronic voter registration system.*

30 *(3) The University of California is encouraged to comply with*
31 *this subdivision.*

32 ~~(d)~~

33 *(e) The Secretary of State shall submit to the Legislature, on or*
34 *before January 1 of each year, a report on its student voter*
35 *registration efforts pursuant to this article. This report shall include*
36 *estimates as to how many voter registration forms were sent to*
37 *high schools, community colleges, and California State University*
38 *and University of California campuses, how many voter registration*
39 *forms were returned, and how many voter registration forms were*

sent out to students through the automated program described in subdivision (c).

(e)

(f) It is the intent of the Legislature that every *eligible* high school and college student receive a voter registration ~~card with his or her diploma form or the opportunity to register to vote online~~. It is also the intent of the Legislature that every school do all in its power to ensure that students are provided the opportunity and means to register to vote. This may include providing voter registration forms at the start of the school year, including voter registration forms with orientation materials; placing voter registration forms at central locations, including voter registration forms with graduation ~~materials materials~~; or providing hyperlinks to, or the Internet Web site address of, the Secretary of State's electronic voter registration system in notices sent by electronic mail to students or placed on the Internet Web site of the high school, college, or university.

SECTION 1.

SEC. 4. Section 2169 is added to the Elections Code, following Section 2168, to read:

2169. (a) The Secretary of State shall provide on his or her Internet Web site the capability for a voter ~~to check the status of the voter's registration~~. to, and shall maintain a toll-free telephone number by which a voter may, do all of the following:

(1) Check the status of his or her voter registration and review his or her voter registration information that is included in the Secretary of State's electronic voter registration system.

(2) Inquire whether a name is included in the Secretary of State's electronic voter registration system.

(3) For the telephonic system, receive the Internet Web site address of the Secretary of State's electronic voter registration system.

(4) For the online system, access the Secretary of State's electronic voter registration system through a hyperlink.

(5) Not less than 30 days before an election, find the location of his or her polling place, if that information is available, or the location of the polling place for any residential address in the state.

1 (6) *Upon the completion of the official canvass for an election,*
2 *determine whether his or her vote by mail ballot was counted and,*
3 *if not, the reason the ballot was rejected.*

4 (7) *Upon the completion of the official canvass for an election,*
5 *determine whether his or her provisional ballot was counted and,*
6 *if not, the reason the ballot was rejected.*

7 (8) *Opt out of receiving his or her voter pamphlet by mail and*
8 *instead receive it by electronic mail.*

9 (b) *The online and telephonic systems established pursuant to*
10 *subdivision (a) shall be accessible to persons with disabilities and*
11 *available in all the languages in which a ballot or ballot materials*
12 *are required to be made available in this state pursuant to Section*
13 *203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.*
14 *1973b(f)(4)) of the federal Voting Rights Act of 1965.*

15 (c) *The Secretary of State shall adopt regulations to ensure the*
16 *security and privacy of any personal voter registration information*
17 *conveyed by the online and telephonic systems.*

18 SEC. 5. *Section 2196 of the Elections Code is amended to read:*

19 2196. (a) (1) *Notwithstanding any other provision of law, a*
20 *person who is qualified to register to vote and who has a valid*
21 *California driver's license or state identification card may submit*
22 *an affidavit of voter registration electronically on the Internet Web*
23 *site of the Secretary of State.*

24 (2) *An affidavit submitted pursuant to this section is effective*
25 *upon receipt of the affidavit by the Secretary of State if the affidavit*
26 *is received on or before the last day to register for an election to*
27 *be held in the precinct of the person submitting the affidavit.*

28 (3) *The affiant shall affirmatively attest to the truth of the*
29 *information provided in the affidavit.*

30 (4) *For voter registration purposes, the applicant shall*
31 *affirmatively assent to the use of his or her signature from his or*
32 *her driver's license or state identification card, if available.*

33 (5) *For each electronic affidavit, the Secretary of State shall*
34 *obtain an electronic copy of the applicant's signature from his or*
35 *her driver's license or state identification card directly from the*
36 *Department of Motor Vehicles, if available.*

37 (6) *The Secretary of State shall require a person who submits*
38 *an affidavit pursuant to this section to submit all of the following:*

39 (A) *The number from his or her California driver's license or*
40 *state identification card, if a license or card has been issued.*

1 (B) His or her date of birth.

2 (C) The last four digits of his or her social security number.

3 (D) Any other information the Secretary of State deems
4 necessary to establish the identity of the affiant.

5 (7) Upon submission of an affidavit pursuant to this section, the
6 electronic voter registration system shall provide for immediate
7 verification of both of the following:

8 (A) ~~That~~ *Whether* the applicant has a California driver's license
9 or state identification card and, *if so*, that the number for that
10 driver's license or identification card provided by the applicant
11 matches the number for that person's driver's license or
12 identification card that is on file with the Department of Motor
13 Vehicles.

14 (B) That the date of birth provided by the applicant matches the
15 date of birth for that person that is on file with the Department of
16 Motor Vehicles.

17 (8) (A) *If the information provided by an applicant on an*
18 *affidavit cannot be verified pursuant to paragraph (7), but the*
19 *applicant is otherwise eligible to vote, the applicant shall be issued*
20 *a unique identification number in accordance with Section 2150*
21 *and his or her affidavit shall be forwarded to the appropriate*
22 *county elections official.*

23 (B) *If the Department of Motor Vehicles does not have a copy*
24 *of an applicant's signature on file, the county elections official of*
25 *the county in which the applicant resides, upon the request of the*
26 *Secretary of State, shall mail the applicant a postcard informing*
27 *him or her that a signature is required to complete his or her voter*
28 *registration. The postcard shall include prepaid return postage*
29 *and shall instruct the applicant to provide his or her signature on*
30 *the postcard, where indicated, and to promptly return the postcard*
31 *to the county elections official.*

32 ~~(8)~~

33 (9) The Secretary of State shall employ security measures to
34 ensure the accuracy and integrity of voter registration affidavits
35 submitted electronically pursuant to this section.

36 (b) The Department of Motor Vehicles shall utilize the electronic
37 voter registration system required by this section to comply with
38 its duties and responsibilities as a voter registration agency pursuant
39 to the federal National Voter Registration Act of 1993 (42 U.S.C.
40 Sec. 1973gg et seq.).

(c) The Department of Motor Vehicles and the Secretary of State shall develop a process and the infrastructure to allow the electronic copy of the applicant's signature and other information required under this section that is in the possession of the department to be transferred to the Secretary of State and to the county election management systems to allow a person who is qualified to register to vote in California to register to vote under this section.

(d) If an applicant cannot electronically submit the information required pursuant to paragraph (6) of subdivision (a), he or she shall nevertheless be able to complete the affidavit of voter registration electronically on the Secretary of State's Internet Web site, print a hard copy of the completed affidavit, and mail or deliver the hard copy of the completed affidavit to the Secretary of State or the appropriate county elections official.

(e) This chapter shall become operative upon the date that either of the following occurs:

(1) The Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

(2) The Secretary of State executes a declaration stating that all of the following conditions have occurred:

(A) The United States Election Assistance Commission has approved the use of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. ~~15301~~ 15301 et seq.) funding to provide online voter registration in advance of the deployment of the statewide voter registration database or other federal funding is available and approved for the same purpose.

(B) The Department of Motor Vehicles and the Secretary of State have developed a process and the infrastructure necessary to implement paragraph (5) of subdivision (a).

(C) All county election management systems have been modified to receive and store electronic voter registration information received from the Secretary of State in order to allow a person who is qualified to register to vote in California to register to vote under this section.

(f) For purposes of implementing this chapter as expeditiously as possible, if it becomes operative pursuant to paragraph (2) of subdivision (e), the Secretary of State's office shall be exempt

1 from information technology requirements included in Sections
2 11545, 11546, and 11547 of the Government Code and Section
3 12100 of the Public Contract Code, and from information
4 technology project and funding approvals included in any other
5 provision of law.

6 *SEC. 6. Section 2228 is added to the Elections Code, to read:*

7 *2228. (a) Notwithstanding any other law and for the purpose*
8 *of maintaining accurate voter registration records, the Secretary*
9 *of State may enter into agreements with other states to share and*
10 *receive information or data pertaining to voters who have*
11 *permanently moved to other states as described in Section 2022*
12 *or 2023.*

13 *(b) The Secretary of State, before entering into an agreement*
14 *pursuant to this section, shall establish standards and procedures*
15 *to safeguard the privacy of the state's residents and the integrity*
16 *and security of the information or data shared and received in*
17 *accordance with this section.*

18 *(c) The Secretary of State shall not share a voter's information*
19 *if that information is deemed confidential pursuant to Section 2166,*
20 *2166.5, or 2166.7 of this code, or pursuant to Chapter 3.1*
21 *(commencing with Section 6205) of, or Chapter 3.2 (commencing*
22 *with Section 6215) of, Division 7 of Title 1 of the Government*
23 *Code.*

24 *SEC. 7. Section 2408 of the Elections Code is amended to read:*

25 *2408. (a) A voter registration agency that allows a person to*
26 *apply online for service or assistance, or to submit a recertification,*
27 *renewal, or change of address form relating to the service or*
28 *assistance online, shall implement a process and infrastructure that*
29 *allows an applicant to electronically submit a voter preference*
30 *form to the voter registration agency, and to submit an affidavit*
31 *of voter registration electronically on the Internet Web site of the*
32 *Secretary of State in accordance with Chapter 2.5 (commencing*
33 *with Section 2196).*

34 *(b) If a person indicates on his or her electronic voter preference*
35 *form that he or she would like to register to vote, the person shall*
36 *be informed that he or she may register to vote through one of the*
37 *following options, if applicable:*

38 *(1) Submit an affidavit of voter registration electronically on*
39 *the Secretary of State's Internet Web site pursuant to subdivision*
40 *(a) of Section 2196.*

(2) Complete an affidavit of voter registration electronically on the Secretary of State's Internet Web site, print a hard copy of the completed affidavit, and mail or deliver the hard copy of the completed affidavit to the Secretary of State or the appropriate county elections official pursuant to subdivision (d) of Section 2196.

(3) *Complete a supplemental voter registration form electronically pursuant to Section 2502.*

(c) A voter registration agency may take steps to ensure that the information entered into a person's electronic application for service or assistance, or his or her electronic recertification, renewal, or change of address form relating to the service or assistance, will be automatically transferred to the electronic affidavit of voter registration if the person indicates that he or she would like to register to vote.

(d) The Secretary of State shall take steps to ensure that the electronic affidavit of voter registration is available, and may be electronically submitted and verified, in all languages in which a county is required to provide voting materials pursuant to Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

SEC. 8. *Chapter 7 (commencing with Section 2500) is added to Division 2 of the Elections Code, to read:*

CHAPTER 7. AUTOMATED VOTER REGISTRATION

2500. (a) *The Secretary of State and the Department of Motor Vehicles shall jointly establish a system under which voter registration information is collected by the Department of Motor Vehicles pursuant to subdivision (b) and electronically transmitted to the Secretary of State for the purpose of registering a person to vote or updating a voter's registration information.*

(b) *With each in-person or online application for the issuance or renewal of a driver's license or state identification card, and with each in-person or online submission of a change of address form, the Department of Motor Vehicles shall offer the person the opportunity to register to vote in accordance with the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.). The Department of Motor Vehicles shall do all of the following:*

1 (1) Notify the applicant of all of the following:

2 (A) The eligibility requirements to register to vote in this state,
3 using notice language approved by the Secretary of State.

4 (B) That the applicant has an opportunity to register to vote or
5 update his or her voter registration information.

6 (C) That voter registration is voluntary and, if the applicant
7 declines to register to vote, the fact that he or she has declined to
8 register shall only be used for voter registration purposes and
9 shall not otherwise affect the services or assistance provided by
10 the department.

11 (D) That if the applicant chooses to register to vote or update
12 his or her voter registration information, his or her voter
13 registration information shall be made available to the Secretary
14 of State for voter registration purposes.

15 (2) After providing the required notices to the applicant pursuant
16 to paragraph (1), ask the applicant whether he or she would like
17 to register to vote or update his or her voter registration
18 information and whether he or she consents to the use of his or
19 her motor vehicle records for voter registration purposes.

20 (3) For each applicant who indicates that he or she would like
21 to register to vote or update his or her voter registration
22 information, and consents to the use of his or her motor vehicle
23 records for voter registration purposes, provide the applicant with
24 a supplemental voter registration form, as described in Section
25 2503.

26 (4) Not later than one business day after receipt of a completed
27 supplemental voter registration form, electronically transmit to
28 the Secretary of State both of the following:

29 (A) The information collected on the supplemental voter
30 registration form.

31 (B) Any other information in the applicant's records that is
32 necessary to register the applicant to vote or update the applicant's
33 voter registration, as applicable.

34 (c) An applicant's voter registration shall be deemed submitted
35 on the date upon which the Department of Motor Vehicles receives
36 the applicant's completed supplemental voter registration form.

37 (d) The Department of Motor Vehicles shall only transmit
38 information to the Secretary of State pursuant to this section that
39 is necessary to register a person to vote or update a voter's
40 registration. If an applicant declines to register to vote, the fact

1 *that he or she has declined to register shall be confidential and*
2 *that information shall not be transmitted to the Secretary of State.*

3 *(e) Notwithstanding any other provision of law, immediately*
4 *after transmitting an applicant's voter registration information to*
5 *the Secretary of State, the Department of Motor Vehicles shall*
6 *destroy the applicant's completed supplemental voter registration*
7 *form and any materials containing information specific to the*
8 *applicant's voter registration that is not otherwise collected by*
9 *the Department of Motor Vehicles for other purposes.*

10 2501. *(a) The Secretary of State and each community college*
11 *or California State University campus that operates an automated*
12 *class registration system on or after January 1, 2014, shall jointly*
13 *establish a system under which voter registration information is*
14 *collected by the college or university pursuant to subdivision (b)*
15 *and electronically transmitted to the Secretary of State for the*
16 *purpose of registering a person to vote or updating a voter's*
17 *registration information.*

18 *(b) Each time a student registers for classes, the college or*
19 *university shall offer the student the opportunity to register to vote,*
20 *and shall do all of the following:*

21 *(1) Notify the student of all of the following:*

22 *(A) The eligibility requirements to register to vote in this state,*
23 *using notice language approved by the Secretary of State.*

24 *(B) That the student has an opportunity to register to vote or*
25 *update his or her voter registration information.*

26 *(C) That voter registration is voluntary and, if the student*
27 *declines to register to vote, the fact that he or she has declined to*
28 *register shall only be used for voter registration purposes and*
29 *shall not affect his or her class registration.*

30 *(D) That if the student chooses to register to vote or update his*
31 *or her voter registration information, his or her voter registration*
32 *information shall be made available to the Secretary of State for*
33 *voter registration purposes.*

34 *(2) After providing the required notices to the student pursuant*
35 *to paragraph (1), ask the student whether he or she would like to*
36 *register to vote or update his or her voter registration information*
37 *and whether he or she consents to the use of his or her student*
38 *records for voter registration purposes.*

39 *(3) For each student who indicates that he or she would like to*
40 *register to vote or update his or her voter registration information,*

1 *and consents to the use of his or her student records for voter*
2 *registration purposes, provide the student with a supplemental*
3 *voter registration form, as described in Section 2503.*

4 *(4) Not later than one business day after receipt of a completed*
5 *supplemental voter registration form, electronically transmit to*
6 *the Secretary of State both of the following:*

7 *(A) The information collected on the supplemental voter*
8 *registration form.*

9 *(B) Any other information in the student's records that is*
10 *necessary to register the student to vote or update the student's*
11 *voter registration, as applicable.*

12 *(c) A student's voter registration shall be deemed submitted on*
13 *the date upon which the college or university receives the student's*
14 *completed supplemental voter registration form.*

15 *(d) The college or university shall only transmit information to*
16 *the Secretary of State pursuant to this section that is necessary to*
17 *register a student to vote or update a student's voter registration.*
18 *If a student declines to register to vote, the fact that he or she has*
19 *declined to register shall be confidential and that information shall*
20 *not be transmitted to the Secretary of State.*

21 *(e) Notwithstanding any other provision of law, immediately*
22 *after transmitting a student's voter registration information to the*
23 *Secretary of State, a college or university shall destroy the*
24 *student's completed supplemental voter registration form and any*
25 *materials containing information specific to the student's voter*
26 *registration that is not otherwise collected by the college or*
27 *university for other purposes.*

28 *2502. (a) The Secretary of State and each voter registration*
29 *agency, as defined in subdivision (b) of Section 2401, that allows*
30 *a person to apply online for service or assistance, or to submit a*
31 *recertification, renewal, or change of address form relating to the*
32 *service or assistance online, shall jointly establish a system under*
33 *which voter registration information is collected by the agency*
34 *and electronically transmitted to the Secretary of State for the*
35 *purpose of registering a person to vote or updating a voter's*
36 *registration information.*

37 *(b) With each online application for service or assistance or*
38 *submission of a recertification, renewal, or change of address*
39 *form relating to the service or assistance online, immediately prior*
40 *to providing an electronic voter preference form pursuant to*

1 Section 2408, the voter registration agency shall notify the
2 applicant of all of the following:

3 (1) The eligibility requirement to register to vote in this state,
4 using notice language approved by the Secretary of State.

5 (2) That the applicant has an opportunity to register to vote or
6 update his or her voter registration information.

7 (3) That voter registration is voluntary and, if the applicant
8 declines to register to vote, the fact that he or she has declined to
9 register shall only be used for voter registration purposes and
10 shall not otherwise affect the services or assistance provided by
11 the agency.

12 (c) If an applicant indicates on his or her electronic voter
13 preference form that he or she would like to register to vote by
14 completing a supplemental voter registration form, the voter
15 registration agency shall do both of the following:

16 (1) Notify the applicant that, if he or she chooses to register to
17 vote or update his or her voter registration by completing the form,
18 he or she consents to the agency and the Secretary of State using
19 information contained in his or her agency records for voter
20 registration purposes.

21 (2) Provide the applicant with a supplemental voter registration
22 form, as described in Section 2503.

23 (d) Not later than one business day after receipt of a completed
24 supplemental voter registration form, a voter registration agency
25 shall electronically transmit to the Secretary of State both of the
26 following:

27 (1) The information collected on the supplemental voter
28 registration form.

29 (2) Any other information in the applicant's records that is
30 necessary to register the applicant to vote or update the applicant's
31 voter registration, as applicable.

32 (e) An applicant's voter registration shall be deemed submitted
33 on the date upon which the voter registration agency receives the
34 applicant's completed supplemental voter registration form.

35 (f) The voter registration agency shall only transmit information
36 to the Secretary of State pursuant to this section that is necessary
37 to register an applicant to vote or update an applicant's voter
38 registration. If an applicant declines to register to vote, the fact
39 that he or she has declined to register shall be confidential and
40 that information shall not be transmitted to the Secretary of State.

1 (g) Notwithstanding any other provision of law, immediately
2 after transmitting an applicant's voter registration information to
3 the Secretary of State, the voter registration agency shall destroy
4 the applicant's completed supplemental voter registration form
5 and any materials containing information specific to the applicant's
6 voter registration that is not otherwise collected by the voter
7 registration agency for other purposes.

8 (h) The requirements in this section are in addition to the
9 requirements set forth in Section 2408.

10 2503. (a) The Department of Motor Vehicles, each college or
11 university described in Section 2501, and each voter registration
12 agency described in Section 2502 shall prepare and submit to the
13 Secretary of State for approval a supplemental voter registration
14 form. The supplemental voter registration form shall request voter
15 registration information necessary to register a person to vote or
16 update the person's voter registration, except that the form shall
17 not require any information to be provided that duplicates
18 information previously provided to the department, college or
19 university, or voter registration agency and available in the records
20 for the voter.

21 (b) The supplemental voter registration form shall do all of the
22 following:

23 (1) State the eligibility requirements to register to vote.

24 (2) Contain an attestation that the registrant meets each
25 eligibility requirement.

26 (3) Request all of the following information from the registrant,
27 if the information is not otherwise available in the records for the
28 registrant:

29 (A) The registrant's home telephone number.

30 (B) The registrant's electronic mail address.

31 (C) The registrant's California driver's license number or
32 state-issued identification number.

33 (D) The last four digits of the registrant's social security
34 number, if available.

35 (E) If the registrant was previously registered to vote, his or
36 her name, address, and county of residence for the previous
37 registration.

38 (F) The language in which the registrant would like to receive
39 election-related materials.

40 (G) The registrant's political party preference, if any.

1 (H) *The registrant's ethnicity or race, or both. The registrant*
2 *may not be denied the ability to register because he or she declines*
3 *to state his or her ethnicity or race.*

4 (I) *Whether the registrant would like to receive a vote by mail*
5 *ballot in all elections.*

6 (J) *Whether the registrant would like to be a poll worker.*

7 (4) *Request any other information required by state or federal*
8 *law for voter registration.*

9 (c) *The registrant shall certify the content of the form as to its*
10 *truth and correctness, under penalty of perjury, with his or her*
11 *signature and the date of signing. If the registrant is unable to*
12 *write, he or she shall sign with a mark or cross.*

13 (d) *A registrant shall not be denied the ability to register to vote*
14 *because he or she declines to provide any of the information*
15 *requested pursuant to paragraph (3) of subdivision (b).*

16 2504. (a) *Upon receipt of a person's voter registration*
17 *information transmitted to the Secretary of State pursuant to this*
18 *chapter, the Secretary of State shall register the person to vote or*
19 *update the person's voter registration in the statewide voter*
20 *registration database, as applicable.*

21 (b) *The Secretary of State shall notify the appropriate county*
22 *elections official whenever a person who is domiciled within that*
23 *official's county is registered to vote pursuant to this section and*
24 *shall transmit to the elections official the applicable voter*
25 *registration information.*

26 2505. *A system established pursuant to Section 2500, 2501, or*
27 *2502 shall be designed to ensure the secure electronic storage of*
28 *information by, and the secure electronic transmission of*
29 *information between, the Secretary of State and the Department*
30 *of Motor Vehicles, college or university, or voter registration*
31 *agency, as applicable.*

32 2506. (a) *The Secretary of State shall ensure that a person*
33 *shall not be registered to vote or have his or her voter registration*
34 *updated pursuant to this chapter unless the person has consented*
35 *to registering or updating his or her voter registration.*

36 (b) *If the Secretary of State receives information indicating that*
37 *a person did not consent to registering to vote or updating his or*
38 *her voter registration before the registration or the update to the*
39 *registration is processed by the Secretary of State, the person shall*
40 *not be registered to vote or have his or her voter registration*

1 *updated. A person included in the statewide voter registration*
2 *database shall not have his or her name removed from the database*
3 *solely because the Secretary of State receives information*
4 *indicating that he or she may not have consented to registering or*
5 *updating his or her voter registration.*

6 *2507. The name of the department, college or university, or*
7 *voter registration agency from which voter registration information*
8 *is electronically transmitted to the Secretary of State pursuant to*
9 *this chapter shall not be included in the statewide voter registration*
10 *database.*

11 *2508. (a) A person shall not use, share, or provide access to*
12 *the statewide voter registration database for any purpose other*
13 *than voter registration, election administration, or the enforcement*
14 *of election laws.*

15 *(b) The fact that a person is not included in the statewide voter*
16 *registration database, or has declined to supply information for*
17 *voter registration purposes pursuant to this chapter, shall not be*
18 *disclosed to the public or used for any purpose other than voter*
19 *registration, election administration, or the enforcement of election*
20 *laws.*

21 *(c) A person's declination to register to vote or to update his*
22 *or her voter registration shall not affect the amount, type, or quality*
23 *of service or assistance provided by the Department of Motor*
24 *Vehicles, a college or university described in Section 2501, or a*
25 *voter registration agency described in Section 2502, as applicable,*
26 *except with regard to voter registration.*

27 *(d) A person shall not use voter registration information*
28 *collected under this chapter for commercial purposes, including*
29 *for comparison with a commercial list or database.*

30 *2509. (a) The Secretary of State shall adopt regulations as*
31 *necessary to implement this chapter, including, but not limited to,*
32 *regulations relating to all of the following:*

33 *(1) Procedures to ensure the reliable electronic transmission*
34 *and validation of voter registration information.*

35 *(2) Procedures relating to receipt of duplicate or multiple*
36 *transmissions of voter registration information pertaining to the*
37 *same person.*

38 *(3) Procedures to ensure the security and privacy of voter*
39 *registration information transmitted pursuant to this chapter.*

1 (4) Procedures to ensure that the name of the department,
2 college or university, or voter registration agency that
3 electronically transmitted a voter's registration information to the
4 Secretary of State pursuant to this chapter is not included in the
5 statewide voter registration database.

6 (b) An entity that electronically transmits voter registration
7 information to the Secretary of State pursuant to this chapter shall
8 comply with all applicable regulations and guidelines adopted by
9 the Secretary of State. In addition, the entity may adopt or establish
10 additional security measures to protect the privacy and security
11 of voter registration information transmitted to the Secretary of
12 State.

13 2510. The Department of Motor Vehicles, a college or
14 university described in Section 2501, or a voter registration agency
15 described in Section 2502 may contract with a third party to assist
16 in the transmission of voter registration information to the
17 Secretary of State, provided that the transmission complies with
18 all requirements of this chapter.

19 2511. (a) On or before January 1 of each year, the Secretary
20 of State shall submit a report to the Legislature on the effectiveness
21 of this chapter. The report shall include all of the following
22 information:

23 (1) The number of electronic transmissions of voter registration
24 information made from each entity.

25 (2) The number of voters registered pursuant to this chapter,
26 by entity.

27 (3) The number of voters in the statewide voter registration
28 database whose voter registration information was updated
29 pursuant to this chapter, by entity.

30 (b) (1) A report to be submitted pursuant to subdivision (a)
31 shall be submitted in compliance with Section 9795 of the
32 Government Code.

33 (2) Pursuant to Section 10231.5 of the Government Code, this
34 section is repealed on January 1, 2018.

35 ~~SEC. 2.~~

36 SEC. 9. Section 3017 of the Elections Code is amended to read:

37 3017. (a) All vote by mail ballots cast under this division shall
38 be voted on or before the day of the election. After marking the
39 ballot, the vote by mail voter shall do either of the following: (1)
40 return the ballot by mail or in person to the elections official from

1 whom it came or (2) return the ballot in person to a member of a
2 precinct board at a polling place within the jurisdiction. However,
3 a vote by mail voter who is unable to return the ballot may
4 designate his or her spouse, child, parent, grandparent, grandchild,
5 brother, sister, or a person residing in the same household as the
6 vote by mail voter to return the ballot to the elections official from
7 whom it came or to the precinct board at a polling place within
8 the jurisdiction. The ballot must, however, be received by either
9 the elections official from whom it came or the precinct board
10 before the close of the polls on election day.

11 (b) The elections official shall establish procedures to ensure
12 the secrecy of a ballot returned to a precinct polling place and the
13 security, confidentiality, and integrity of any personal information
14 collected, stored, or otherwise used pursuant to this section.

15 (c) (1) On or before March 1, 2008, the elections official shall
16 establish procedures to track and confirm the receipt of voted vote
17 by mail ballots and to make this information available by means
18 of online access using the county's elections division Internet Web
19 site. If the county does not have an elections division Internet Web
20 site, the elections official shall establish a toll-free telephone
21 number that may be used to confirm the date a voted vote by mail
22 ballot was received.

23 (2) The Secretary of State shall provide on his or her Internet
24 Web site the capability for a vote by mail voter to check the status
25 of the voter's vote by mail ballot to discover whether the ballot
26 was counted and, if not, the reason why it was not counted.

27 (d) The provisions of this section are mandatory, not directory,
28 and a ballot shall not be counted if it is not delivered in compliance
29 with this section.

30 (e) Notwithstanding subdivision (a), a vote by mail voter's ballot
31 shall not be returned by a paid or volunteer worker of a general
32 purpose committee, controlled committee, independent expenditure
33 committee, political party, candidate's campaign committee, or
34 any other group or organization at whose behest the individual
35 designated to return the ballot is performing a service. However,
36 this subdivision does not apply to a candidate or a candidate's
37 spouse.

38 ~~SEC. 3. Section 12106.5 is added to the Elections Code, to~~
39 ~~read:~~

~~12106.5.—The Secretary of State shall provide on his or her Internet Web site the capability for a voter to find the location of his or her polling place.~~

~~SEC. 4.~~

SEC. 10. Section 14310 of the Elections Code, as amended by Section 1 of Chapter 611 of the Statutes of 2009, is amended to read:

14310. (a) At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be a color different than the color of, but printed substantially similar to, the envelopes used for vote by mail ballots, and shall be completed in the same manner as vote by mail envelopes.

(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot

1 shall be rejected. A variation of the signature caused by the
2 substitution of initials for the first or middle name, or both, shall
3 not invalidate the ballot.

4 (2) Provisional ballots shall not be included in any semiofficial
5 or official canvass, except upon: (A) the elections official's
6 establishing prior to the completion of the official canvass, from
7 the records in his or her office, the claimant's right to vote; or (B)
8 the order of a superior court in the county of the voter's residence.
9 A voter may seek the court order specified in this paragraph
10 regarding his or her own ballot at any time prior to completion of
11 the official canvass. Any judicial action or appeal shall have
12 priority over all other civil matters. No fee shall be charged to the
13 claimant by the clerk of the court for services rendered in an action
14 under this section.

15 (3) The provisional ballot of a voter who is otherwise entitled
16 to vote shall not be rejected because the voter did not cast his or
17 her ballot in the precinct to which he or she was assigned by the
18 elections official.

19 (A) If the ballot cast by the voter contains the same candidates
20 and measures on which the voter would have been entitled to vote
21 in his or her assigned precinct, the elections official shall count
22 the votes for the entire ballot.

23 (B) If the ballot cast by the voter contains candidates or
24 measures on which the voter would not have been entitled to vote
25 in his or her assigned precinct, the elections official shall count
26 only the votes for the candidates and measures on which the voter
27 was entitled to vote in his or her assigned precinct.

28 (d) (1) The Secretary of State shall establish a free access
29 system on his or her Internet Web site that allows any voter who
30 casts a provisional ballot to discover whether the voter's
31 provisional ballot was counted and, if not, the reason why it was
32 not counted.

33 (2) The requirements of paragraph (1) shall not be satisfied by
34 providing hyperlinks, or otherwise referring voters, to the free
35 access systems established by county elections officials.

36 (e) The Secretary of State may adopt appropriate regulations
37 for purposes of ensuring the uniform application of this section.

38 (f) This section shall apply to any vote by mail voter described
39 by Section 3015 who is unable to surrender his or her unvoted vote
40 by mail voter's ballot.

(g) Any existing supply of envelopes marked “special challenged ballot” may be used until the supply is exhausted.

~~SEC. 5.~~

SEC. 11. Section 14310 of the Elections Code, as amended by Section 3 of Chapter 497 of the Statutes of 2012, is amended to read:

14310. (a) At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An elections official shall advise the voter of the voter’s right to cast a provisional ballot.

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the ballot, and a written affirmation regarding the voter’s registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

(b) Once voted, the voter’s ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official’s instructions. The provisional ballot envelopes specified in this subdivision shall be of a color different than the color of, but printed substantially similar to, the envelopes used for vote by mail ballots, and shall be completed in the same manner as vote by mail envelopes.

(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter’s affidavit of registration. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the

1 substitution of initials for the first or middle name, or both, shall
2 not invalidate the ballot.

3 (2) (A) Provisional ballots shall not be included in any
4 semiofficial or official canvass, except under one or more of the
5 following conditions:

6 (i) The elections official establishes prior to the completion of
7 the official canvass, from the records in his or her office, the
8 claimant's right to vote.

9 (ii) The provisional ballot has been cast and included in the
10 canvass pursuant to Article 4.5 (commencing with Section 2170)
11 of Chapter 2 of Division 2.

12 (iii) Upon the order of a superior court in the county of the
13 voter's residence.

14 (B) A voter may seek the court order specified in this paragraph
15 regarding his or her own ballot at any time prior to completion of
16 the official canvass. Any judicial action or appeal shall have
17 priority over all other civil matters. No fee shall be charged to the
18 claimant by the clerk of the court for services rendered in an action
19 under this section.

20 (3) The provisional ballot of a voter who is otherwise entitled
21 to vote shall not be rejected because the voter did not cast his or
22 her ballot in the precinct to which he or she was assigned by the
23 elections official.

24 (A) If the ballot cast by the voter contains the same candidates
25 and measures on which the voter would have been entitled to vote
26 in his or her assigned precinct, the elections official shall count
27 the votes for the entire ballot.

28 (B) If the ballot cast by the voter contains candidates or
29 measures on which the voter would not have been entitled to vote
30 in his or her assigned precinct, the elections official shall count
31 only the votes for the candidates and measures on which the voter
32 was entitled to vote in his or her assigned precinct.

33 (d) (1) The Secretary of State shall establish a free access
34 system on his or her Internet Web site that allows any voter who
35 casts a provisional ballot to discover whether the voter's
36 provisional ballot was counted and, if not, the reason why it was
37 not counted.

38 (2) The requirements of paragraph (1) shall not be satisfied by
39 providing hyperlinks, or otherwise referring voters, to the free
40 access systems established by county elections officials.

1 (e) The Secretary of State may adopt appropriate regulations
2 for purposes of ensuring the uniform application of this section.

3 (f) This section shall apply to any vote by mail voter described
4 by Section 3015 who is unable to surrender his or her unvoted vote
5 by mail voter's ballot.

6 (g) Any existing supply of envelopes marked "special challenged
7 ballot" may be used until the supply is exhausted.

8 *SEC. 12. If the Commission on State Mandates determines that*
9 *this act contains costs mandated by the state, reimbursement to*
10 *local agencies and school districts for those costs shall be made*
11 *pursuant to Part 7 (commencing with Section 17500) of Division*
12 *4 of Title 2 of the Government Code.*

13 ~~SEC. 6.~~

14 *SEC. 13. Sections 1 to 5, 12, inclusive, of this bill shall become*
15 *operative only if the Secretary of State certifies that the state has*
16 *a statewide voter registration database that complies with the*
17 *requirements of the federal Help America Vote Act of 2002 (42*
18 *U.S.C. Sec. 15301 et seq.).*